

JAN 14 2005

Practitioner's Docket No. 0067.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Weickert et al.

Application No.: 10/032,239

Group No.: 1617

Filed: December 21, 2001

Examiner: SHENGJUN WANG

For: PULMONARY DELIVERY OF POLYENE ANTIFUNGAL AGENTS

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed July 14, 2004, finally rejecting claims 40-59.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10*

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Kathy Honkert
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* Only the date of filing ("1.6") will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under "1.8 continues to be taken into account in determining timeliness. See "1.703(f). Consider "Express Mail Post Office to Addressee" ("1.10) or facsimile transmission ("1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

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TO: U.S. Patent and Trademark Office
Examiner Shengjun Wang

FROM: Guy V. Tucker

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DATE: January 14, 2005

RE: U.S. Serial No 10/032,239

PAGES: 3

(INCLUDING COVER)

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Notice of Appeal/Extension of Time

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2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Notice of Appeal fee due \$340.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee \$1,020.00

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$340.00

Extension fee \$1,020.00

TOTAL FEE DUE \$1,360.00

5. FEE PAYMENT


Authorization is hereby made to charge the amount of \$1,360.00 to Deposit Account No. 500348. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 500348.

Date: 14 JAN 2005

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Signature of Practitioner
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